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SUBJECT: MONTENEGRO'S SLOW BUT FORWARD PROGRESS IN WAR CRIMES CASES

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¶1. (SBU) SUMMARY: Montenegro is beginning to confront its role in the Balkan wars of the 1990's. Until recently, it had done little to address the four pending war crimes cases committed on its territory (Kaludjerski Laz, Morinj, 1992 deportation of Muslims, and Bukovica). However, investigations began two years ago, and now judicial authorities are making some progress. This summer, the State Prosecutor's Office indicted and detained those accused in two cases, Kaludjerski Laz and Morinj. A decision on whether to detain the accused in the Bukovica and 1992 deportation cases should be taken soon. In all four cases, low and mid-ranking police and army officers have been targeted while higher ranking police and military officials remain unscathed. End summary.

Kaludjerski Laz

¶2. (SBU) On February 10, 2007, the Higher Court of Bijelo Polje opened an investigation into the actions of 12 officers and soldiers of the Podgorica Corps of the Yugoslav Army (JNA) suspected of killing six ethnic Albanians from Kosovo in Kaludjerski Laz, near Rozaje, during the 1999 NATO intervention.

¶3. (SBU) On July 31, the Chief State Prosecutor's Office indicted eight members of the JNA on charges of committing "war crimes against a civilian population in Kaludjerski Laz, near Rozaje in 1999." (Note: The case against the other four under questioning was dropped. End note.) The indicted include: Predrag Strugar (49) from Podgorica, Momcilo Barjaktarevic (54), Petar Labudovic (49), Aco Knezevic (43), Branislav Radnic (42), Boro Novakovic (31), Miro Bojovic (42) and Radomir Djuraskovic (45) all from Berane. According to the indictment, between April 18 and May 21, 1999, the accused are charged with murdering 23 Albanian civilians who were trying to escape from the war in Kosovo. In July 2008 the Higher Court of Bijelo Polje detained seven of the indictees; Predrag Strugar is believed to be in Belgrade. (Note: Strugar is the son of JNA General Pavle Strugar who was sentenced by ICTY in 2005 to seven and a half years in prison for his involvement in the shelling of Dubrovnik. End note.) Spokesperson for the Police Directorate, Tamara Popovic, stated that on August 8, an international arrest warrant was issued for Strugar.

¶4. (U) President of the Supreme Court, Vesna Medenica, stated

that the case would be heard before the Special Court for Organized Crime, Corruption, War Crimes and Terrorism, which was established at the Higher Court of Bijelo Polje on September 11. On July 8, defense attorneys Stanko Jelic and Milic Radovanic filed an appeal with the Court of Appeals objecting to the indictment and detention. The Court of Appeals rejected the appeal regarding their detention but still has not ruled about the indictment. The first hearing in the case is scheduled to be held in October or November.

¶15. (U) Defense attorney for the victims' families, Velija Muric, welcomed the detention order describing it as a "first step for Montenegro in facing its past." However, he underscored that high-ranking military personnel, who allegedly masterminded the atrocity, were not indicted.

Morinj Case

¶16. (SBU) From October 1991 to August 1992, some 300 Croatian prisoners, captured near Dubrovnik, were detained in Morinj (on Kotor Bay); eight died, allegedly from torture. Croatian Deputy Chief Prosecutor Antun Kvakan announced in June 2007 that 18 former JNA soldiers were suspected of these crimes, of whom ten are Montenegrin citizens.

¶17. (SBU) Montenegrin officials investigating the case have

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issued indictments for six of the former soldiers, five of whom are now in custody. The indictment against them, which was issued by the Montenegrin State Prosecutor's Office on August 15, alleges torture, inhumane treatment, and violation of the physical integrity of prisoners brought from Dubrovnik to the Morinj camp. According to the indictment, the suspects, identified as Zlatko Tarle (60) from Kotor, Mladen Govedarica (53) from Herceg Novi, Ivo Gojnif (46) from Bar, piro Luhif (49) from Herceg Novi, and Boro Gligif from Kotor, allegedly ordered and took part in these crimes from October 3, 1991 until August 18, 1992. A remaining suspect, Ivo Menzalin (53) from Kotor, is said to be in Serbia. According to the indictment, 169 prisoners of war and civilians were the victims of war crimes. The indictment is based on material evidence from 182 witnesses, 170 of which were interviewed in the municipal courts of Dubrovnik, Split, Zagreb, Sibenik, Rijeka, Koprivnica, Sisak, and Vukovar during the investigation conducted by judicial authorities in Croatia. The indictment states that Govedarica and Gligic worked as investigators in the Morinj camp while the other indictees served as guards.

¶18. (U) Montenegrin Chief State Prosecutor, Ranka Carapic, stated that judicial authorities in Montenegro and Croatia cooperated on the case in accordance with the Agreement on the Prosecution of War Crimes, Crimes against Humanity and Genocide, signed by Montenegrin and Croatian Chief State Prosecutors on July 28, 2006. The media reported that Croatian Chief State Prosecutor Mladen Bajic welcomed the decision of the Montenegrin judiciary to indict and detain the Morinj suspects. Bajic is quoted as saying that "it is good news which shows that the wheels of justice grind slowly."

¶19. (U) The defense attorneys filed an appeal, noting that it is unusual and unnecessary to detain suspects who had regularly responded to all prior summonses.

¶10. (U) In 1992, Bosnian Muslim refugees who fled Bosnia and settled largely in Bar and Herceg Novi in Montenegro were deported to Foca, Cajnice, Srebrenica, and Trebinje in Bosnia and Herzegovina. 83 people were subsequently killed in what media has alleged was an organized effort by JNA and police officials, with GoM complicity, to exchange Muslims for arrested Serbs in Bosnia.

¶11. (U) At the beginning of 2004, families of the victims filed a total of 40 civil lawsuits against the GoM asserting that it was complicit in the deportations and demanding compensation (with total damages claimed amounting to 45 million euros). To date, Podgorica's Basic Court has adjudicated 31 cases in favor of the families. The Basic Court also dismissed three cases, while another six remain in litigation. The court restricted damages to 30,000 euros per family (although in two cases, the Higher Court inexplicably awarded 208,000 instead of 30,000 euros in damages.) However, the GoM has appealed all of the court's decisions in which damages were awarded, and to date no compensation has been paid to the victims' families.

¶12. (U) In February 2006, the Higher Court of Podgorica opened a criminal investigation against six individuals for their possible complicity in the deportations. One of the accused is deceased, but the other five have claimed their innocence. The accused are: Milisav Markovic, former Assistant to the Minister of Interior; Milorad Ivanovic, former Head of Police Department of Herceg Novi; Dusko Bakrac, a State Security officer from Herceg Novi; Milorad Sljivancanin, former Chief of Police in Bar; Branko Bujic, Head of the Police Department in Bar; and Damjan Turkovic, former Assistant to the Head of the Police Department of Herceg Novi, who died before the investigation began.

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¶13. (U) The investigative judge, Radomir Ivanovic, heard testimony from former Montenegrin President Momir Bulatovic in September 2007, and in early 2008 interviewed former Montenegrin State Security chief Bosko Bojovic and former Deputy Minister of Interior Nikola Pejakovic in Belgrade. In Sarajevo, in April and May 2008, members of the deportees' families also gave their testimony.

¶14. (U) Montenegrin media reported that Prime Minister Milo Djukanovic and Vice-President of the ruling Democratic Party of Socialists (DPS) Svetozar Marovic testified on June 21 before the Higher Court of Podgorica on the case. Djukanovic was also PM in 1992.

¶15. (U) On July 1, press reported that the investigative judge completed the investigation of the five police officers suspected of the arrest and deportation of Muslim refugees in 1992. The case will now be handed over to the Chief Prosecutor of Montenegro, who will decide how to proceed. According to opposition daily Dan on August 24, 2008, the Montenegrin Chief State Prosecutor's office will enlarge the investigation to include more people, including a number of police officers from Pluzine and Pljevlja. On September 16, the daily Republika wrote

that charges will be pressed against Bosko Bojovic, former Head of the National Security Service, and his deputy Radoje Radunovic, and the former head of police in Ulcinj, Sreten Glendza.

Bukovica

¶16. (U) Bukovica's 37 villages, surrounded on three sides by the Republika Srpska, formerly had 1,500 residents, of whom 65-70 percent were Bosniaks or Muslims. According to various sources, between 1992 and 1993, JNA reservists, backed by paramilitary troops and local Montenegrin police officers, expelled dozens of Muslim families (about 221 individuals in all) from the region's villages, forcing them to flee to Pljevlja, as well as to Sarajevo and Cajnice in Bosnia and Herzegovina. According to press reports, eight civilians were murdered, eleven were abducted and remain unaccounted for, 70 were physically assaulted, and 40 were taken to prison camps. In addition, eight houses and two mosques were burned. Even after 15 years, their repatriation has been slow. Of 250 residents in Bukovica today, only about 45 are Muslims and the region is now one of the least populated in Montenegro.

¶17. (U) In early 2007, the Chief State Prosecutor instructed the prosecutor in Bijelo Polje to start an investigation into the Bukovica case. On December 11, 2007 the prosecutor in Bijelo Polje submitted a request to the Higher Court of Bijelo Polje to open an investigation into seven people suspected of war crimes. The prosecutor's office failed to give the names of those under investigation. According to the media, police in Pljevlja have interrogated several people, mostly former army and police members.

¶18. (U) On June 13, the investigative judge of the Higher Court of Bijelo Polje, Milorad Smolovic, stated that "the investigation in the Bukovica case is complete and now the State Prosecutor's Office must decide how to proceed." In August local NGO Nansen Dialogue Center urged state institutions to speed up the prosecution and suggested that the investigation should be more focused on former military officers. On September 3, daily Vijesti" reported that investigative judge Smolovic planned to travel to Bosnia to investigate further in Sarajevo and Gorazde. He added that he would seek the assistance of the Bosnian Ministry of Justice.

GoM to Open Investigative Center for War Crimes

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¶19. (SBU) It remains unclear when the GoM will take concrete measures to establish an "investigative center" into possible war crimes which occurred between 1991 and 2001. Deputy Speaker of Parliament, Rifat Rastoder, sent a letter in July 2008 to Prime Minister Djukanovic to remind him that in December 2007, Parliament tasked the GoM with establishing the center (which is an obligation under Montenegro's Stabilization and Association Agreement (SAA) with the EU). At the last session of Parliament Rastoder also requested that separate funds be appropriated for the center. The Finance Ministry has promised to allocate funds for 2009 but has not disclosed the amount.

Comment

¶20. (SBU) Addressing war crimes has been a difficult issue for Montenegro. The recent developments in the Kaludjerski Laz and Morinj cases represent a step forward, although much remains to be done. In all the cases, only low or mid-ranking officials have been investigated and indicted thus far. We are not certain how far the GoM is willing to push right now. But as it looks ahead to NATO and EU accession, it will be more likely to take serious steps to resolve its outstanding war crimes cases and fulfill specific SAA obligations, such as the establishment of the investigative center. Eventually, the GoM's desire to be part of Europe could lead to more dramatic progress, though likely too late from the perspective of the victims' families.
End Comment.

MOORE